

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/DTS)

This Document Relates to:

Case Nos.:

17-cv-00088 (*Malinski v. 3M Co., et al.*)
18-cv-00220 (*Brasher v. 3M Co., et al.*)
18-cv-00575 (*Ballasso v. 3M Co., et al.*)
18-cv-00852 (*Villafranco v. 3M Co., et al.*)
18-cv-01009 (*Woelfel v. 3M Co., et al.*)
18-cv-01031 (*Rhock v. 3M Co., et al.*)
18-cv-01051 (*Johnson, Alvin v. 3M Co.*)
18-cv-01103 (*Tedford v. 3M Co.*)
18-cv-01167 (*Eans v. 3M Co.*)
18-cv-01169 (*Gregory v. 3M Co.*)
18-cv-01542 (*Davis v. 3M Co., et al.*)
18-cv-01654 (*Terrell v. 3M Co., et al.*)
18-cv-01722 (*Woodard v. 3M Co., et al.*)
18-cv-01724 (*Cooper v. 3M Co., et al.*)
18-cv-02014 (*Johnson, Sheri v. 3M Co., et al.*)
18-cv-02065 (*Sullivan v. 3M Co., et al.*)
18-cv-02067 (*Norton v. 3M Co., et al.*)
18-cv-02080 (*McGuire v. 3M Co., et al.*)
18-cv-02082 (*English v. 3M Co., et al.*)
18-cv-02087 (*Dimesa v. 3M Co., et al.*)
18-cv-02095 (*Jenkins v. 3M Co., et al.*)
18-cv-02117 (*Banks v. 3M Co., et al.*)
18-cv-02211 (*Rhodes v. 3M Co., et al.*)
18-cv-02220 (*Torrez v. 3M Co., et al.*)
18-cv-02394 (*Block v. 3M Co., et al.*)
18-cv-02509 (*Guillory v. 3M Co., et al.*)

**DEFENDANTS' EIGHTEENTH MOTION TO DISMISS FOR FAILURE TO
COMPLY WITH PRETRIAL ORDER NO. 14**

Pursuant to the Court's Pretrial Order No. 14 ("PTO 14"), entered September 27, 2016, Defendants 3M Company and Arizant Healthcare Inc. (collectively, "Defendants") respectfully move the Court to dismiss the following plaintiffs' cases for failure to comply with PTO 14:

Case Number	Plaintiff	Firm Name
0:17-cv-00088-JNE-DTS	Malinski	Gustafson Gluek PLLC
0:18-cv-00220-JNE-DTS	Brasher	Bernstein Liebhard LLP
0:18-cv-00575-JNE-DTS	Ballasso	Gustafson Gluek PLLC
0:18-cv-00852-JNE-DTS	Villafranco	The Law Offices of Travis R. Walker, P.A.
0:18-cv-01009-JNE-DTS	Woelfel	Brown Chiari LLP
0:18-cv-01031-JNE-DTS	Rhock	The Miller Firm, LLC
0:18-cv-01051-JNE-DTS	Johnson, Alvin	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01103-JNE-DTS	Tedford	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01167-JNE-DTS	Eans	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01169-JNE-DTS	Gregory	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01542-JNE-DTS	Davis	Schlichter, Bogard & Denton, LLP
0:18-cv-01654-JNE-DTS	Terrell	Morris Law Firm
0:18-cv-01722-JNE-DTS	Woodard	Pendley, Baudin & Coffin, L.L.P.
0:18-cv-01724-JNE-DTS	Cooper	Pendley, Baudin & Coffin, L.L.P.

0:18-cv-02014-JNE-DTS	Johnson, Sheri	Bernstein Liebhard LLP
0:18-cv-02065-JNE-DTS	Sullivan	Kennedy Hodges, LLP
0:18-cv-02067-JNE-DTS	Norton	Meshbeshier & Spence, Ltd.
0:18-cv-02080-JNE-DTS	McGuire	Kennedy Hodges, LLP
0:18-cv-02082-JNE-DTS	English	Kennedy Hodges, LLP
0:18-cv-02087-JNE-DTS	Dimesa	Napoli Shkolnik PLLC
0:18-cv-02095-JNE-DTS	Jenkins	Bachus & Schanker, LLC
0:18-cv-02117-JNE-DTS	Banks	The Miller Firm, LLC
0:18-cv-02211-JNE-DTS	Rhodes	Kennedy Hodges, LLP
0:18-cv-02220-JNE-DTS	Torrez	Kennedy Hodges, LLP
0:18-cv-02394-JNE-DTS	Block	The Law Offices of Travis R. Walker, P.A.
0:18-cv-02509-JNE-DTS	Guillory	The Olinde Firm, LLC

As set forth in Defendants' Memorandum of Law in Support of their Eighteenth Motion to Dismiss for Failure to Comply with Pretrial Order No. 14, there are three (3) categories of cases where plaintiffs have failed to serve a Plaintiff Fact Sheet ("PFS") compliant with the requirements set forth by the Court in PTO 14: (a) cases where no PFS has been served by plaintiff; (b) cases where plaintiff served a PFS with core deficiencies, and failed to cure them or otherwise respond to Defendants' deficiency letter; and (c) cases where plaintiff served a PFS with core deficiencies, and failed to cure them after Defendants' final deficiency letter. Defendants placed the above cases on the agenda for two sequential Court status conferences. Dismissal of these cases with prejudice is therefore appropriate under PTO 14, ¶ 8, and Defendants respectfully request the Court grant their motion regarding same.

Dated: March 5, 2019

Respectfully submitted,

s/Benjamin W. Hulse

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